

GIRARDI | KEESE
Thomas V. Girardi (36603)
tgirardi@girardikeese.com
Stephen G. Larson (145225)
slarson@girardikeese.com
Shahram A. Shayesteh (209775)
sshayesteh@girardikeese.com
1126 Wilshire Boulevard
Los Angeles, California 90017
Telephone (213) 977-0211
Facsimile (213) 481-1554
Attorneys for Indirect Purchaser Plaintiffs: Christopher
Johnson, Dennis McDavid, Sally O'Donaghue, Murray Miller
and Andrew Crosby, on behalf of themselves and others
similarly situated

[Additional Attorneys Appear on Signature Page]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**IN RE OPTICAL DISK DRIVE ANTITRUST
LITIGATION**

Case No. M:10-cv-02143 VRW

CLASS ACTION

LODGING OF PROPOSED
LEADERSHIP ORDER FOR
INDIRECT PURCHASER
PLAINTIFFS

This Order Relates To:

ALL INDIRECT PURCHASER ACTIONS

NOW COMES Stephen G. Larson of Girardi | Keese on behalf of its clients and counsel
for the Indirect Purchaser Plaintiffs and their clients set forth below, and, pursuant to the Joint
Case Management Conference Statement ("CMS") filed on April 29, 2010, submits to this Court
for its consideration in advance of the Case Management Conference a proposed Interim
Leadership Order for the Indirect Purchaser Plaintiffs.

As set forth in the CMS, "a majority of the Indirect Purchaser Plaintiffs will be submitting a similar proposal [to that submitted by counsel for the Direct Purchaser Plaintiffs and what was done in *In re Tableware Antitrust Litig.*, No. C-04-3514 VRW (N.D. Cal.)], which has the support of 17 of the law firms who have filed actions on behalf of Indirect Purchaser Plaintiffs." CMS at 6. This proposed order has been circulated -- and is the product of weeks of cooperative meeting and conferring -- among all of the counsel with then-filed Indirect Purchaser complaints. The undersigned understand that other counsel for Indirect Purchasers, the majority of whom filed a complaint today and all of whom have filed complaints within the last week, will be submitting an alternative proposal to the Court, a proposal which has not been circulated or submitted to discussion outside this group of recent filers.

Subject to the Court's comments and direction, counsel set forth below are prepared to proceed by formal motion pursuant to Fed. R. Civ. P. 23 (g) (3) seeking this Court's approval of the proposed order.

DATED: April 29, 2009

GIRARDI | KEESE

BY: 

GIRARDI | KEESE

Thomas V. Girardi (36603)

Stephen G. Larson (145225)

Shahram A. Shayesteh (209775)

1126 Wilshire Boulevard

Los Angeles, CA 90017

Attorneys for Indirect Purchaser Plaintiffs:

Christopher Johnson, Dennis McDavid,

Sally O'Donaghue, Murray Miller and

Andrew Crosby, on behalf of themselves

and others similarly situated

1 **PRESENTED BY:**

2 BROWNE WOODS GEORGE, LLP
3 Michael A. Bowse (189659)
4 Eric Marc George (166403)
5 Lee Weiss (Pro Hac Vice Motion Pending)
6 2121 Avenue of the Stars, Suite 2400
7 Los Angeles, CA 90067
8 Attorneys for Indirect Purchaser Plaintiff: Michael's
9 Company

10 GIRARD GIBBS, LLP
11 Daniel C. Girard (114826)
12 Elizabeth C. Pritzker (146267)
13 601 California Street, Suite 1400
14 San Francisco, CA 94104
15 Attorneys for Indirect Purchaser Plaintiff: David
16 Carney, Jr., on behalf of himself and all others
17 similarly situated

18 GOLDMAN SCARLATO & KARON, PC
19 Daniel R. Karon (Pro Hac Vice Motion Pending)
20 700 W. St. Clair Avenue, Suite 204
21 Cleveland, OH 44113-1998
22 Attorneys for Indirect Purchaser Plaintiffs: Scott
23 Friedson, Guy Snowdy, and Sharon Defren, on behalf
24 of themselves and all others similarly situated in their
25 respective classes

26 HAGENS BERMAN SOBOL SHAPIRO, LLP
27 Steve W. Berman (Admitted *pro hac vice*)
28 Jeffrey D. Friedman (173886)
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Attorneys for Indirect Purchaser Plaintiff: Aaron
Wagner, on behalf of himself and others similarly
situated

MASON LLP
Donna F. Solen (Pro Hac Vice Motion Pending)
1625 Massachusetts Avenue N.W., Suite 605
Washington, DC 20036
Attorneys for Indirect Purchaser Plaintiffs: Scott
Friedson, Guy Snowdy, and Sharon Defren, on behalf
of themselves and all others similarly situated in their
respective classes

MINAMI TAMAKI, LLP

Brad Yamauchi (73245)

Jack W. Lee (71626)

360 Post Street, 8th Floor

San Francisco, CA 94108

Attorneys for Indirect Purchaser Plaintiff: Bay Area
Systems, LLC, on behalf of itself and all others
similarly situated

MURRAY & HOWARD, LLP

Gilmur Roderick Murray (111856)

Derk G. Howard (118082)

900 Larkspur Landing Circle, Suite 103

Oakland, CA 94939

Attorneys for Indirect Purchaser Plaintiff: Bay Area
Systems, LLC, on behalf of itself and all others
similarly situated

LAW OFFICE OF KRISHNA B. NARINE

Krishna B. Narine (Pro Hac Vice Motion Pending)

2600 Philmont Avenue, Suite 324

Huntington Valley, PA 19006

Attorneys for Indirect Purchaser Plaintiffs: Scott
Friedson, Guy Snowdy, and Sharon Defren, on behalf
of themselves and all others similarly situated in their
respective classes

O'DONNELL & ASSOCIATES

Pierce Henry O'Donnell (081298)

Robert M. Partain (221477)

800 Wilshire Boulevard, Suite 500

Los Angeles, CA 90017

Attorneys for Indirect Purchaser Plaintiff: Alireza
Tabatabai, on behalf of himself and all others similarly
situated

PRATA & DALEY, LLP

Robert J. Prata (162600)

Todd A. Daley (168742)

Cassandra J. Zappaterreno (208798)

515 South Figueroa Street, Suite 1515

Los Angeles, CA 90071

Attorneys for Indirect Purchaser Plaintiff: Tom Daley,
individually and on behalf of others similarly situated,
and on behalf of the general public

RAM & OLSON, LLP

Michael F. Ram (104805)

555 Montgomery Street, Suite 820

San Francisco, CA 94111

Attorneys for Indirect Purchaser Plaintiffs: Scott Friedson, Guy Snowdy, and Sharon Defren, on behalf of themselves and all others similarly situated in their respective classes,

LAW OFFICES OF JULIO J. RAMOS

Julio J. Ramos (189944)

35 Grove Street, Suite 107

San Francisco, CA 94102

Attorneys for Indirect Purchaser Plaintiff: Don Cheung dba Computer 5000, on behalf of himself and all others similarly situated

RUKIN HYLAND DORIA & TINDALL, LLP

Peter Rukin (178336)

100 Pine Street, Suite 725

San Francisco, CA 94111

Attorneys for Indirect Purchaser Plaintiff: James P. Ito-Adler, on behalf of himself and all others similarly situated

SHAPIRO HABER & UMY, LLP

Thomas G. Shapiro (Pro Hac Vice Motion Pending)

Charles T. Tompkins (Pro Hac Vice Motion Pending)

Robert E. Ditzion (Pro Hac Vice Motion Pending)

53 State Street

Boston, MA 02109

Attorneys for Indirect Purchaser Plaintiff: James P. Ito-Adler, on behalf of himself and all others similarly situated

SHARP McQUEEN PA

Isaac L. Diel (Pro Hac Vice Motion Pending)

6900 College Blvd., Suite 285

Overland Park, KS 66223

Attorneys for Indirect Purchaser Plaintiffs: Scott Friedson, Guy Snowdy, and Sharon Defren, on behalf of themselves and all others similarly situated in their respective classes

1 WILKES & McHUGH

2 Casey A. Hatton (246081)

3 3780 Kilroy Airport Way, Suite 220

4 Long Beach, CA 90806

5 Attorneys for Indirect Purchaser Plaintiffs: Mary Jane

6 Garland, Laura Allen, V. Carlos Palmeri, M.D., and

7 Thomas Lewis, on behalf of themselves and others

8 similarly situated

GIRARDI | KEESE
Thomas V. Girardi (36603)
tgirardi@girardikeese.com
Stephen G. Larson (145225)
slarson@girardikeese.com
Shahram A. Shayesteh (209775)
sshayesteh@girardikeese.com
1126 Wilshire Boulevard
Los Angeles, California 90017
Telephone (213) 977-0211
Facsimile (213) 481-1554

Attorneys for Indirect Purchaser Plaintiffs: Christopher
Johnson, Dennis McDavid, Sally O'Donaghue, Murray Miller
and Andrew Crosby, on behalf of themselves and others
similarly situated

[Additional Attorneys Appear on Signature Page]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**IN RE OPTICAL DISK DRIVE ANTITRUST
LITIGATION**

Case No. M:10-cv-02143 VRW

CLASS ACTION

**[PROPOSED] ORDER
ESTABLISHING ORGANIZATION
OF COUNSEL IN INDIRECT
PURCHASER CLASS ACTIONS**

This Order Relates To:

ALL INDIRECT PURCHASER ACTIONS

1. There shall be a Committee of Indirect Purchaser Plaintiffs' Counsel and its members shall be comprised of the following firms: Browne Woods George LLP; Girard Gibbs LLP; Girardi | Keese; Goldman Scarlato & Karon, PC; Hagens Berman Sobol Shapiro LLP; Minami Tamaki LLP and Shapiro Haber Urmey LLP. The Committee shall be chaired by:

Stephen G. Larson
Girardi | Keese
1126 Wilshire Boulevard
Los Angeles, CA 90017
(213) 977-0211

2. The Chair shall have administrative responsibility to oversee the litigation, including any subsequent related or add-on cases, on behalf of the Indirect Purchaser Plaintiffs, and any agreements entered into with Defendants and their counsel shall be binding on all Indirect Purchaser Plaintiffs. The Chair will have responsibility for receiving orders, notices, correspondence, and telephone calls from the Court on behalf of all Indirect Purchaser Plaintiffs, and for preparing and distributing the same to all Indirect Purchaser Plaintiffs' counsel upon direction from the Court, and further shall serve as the primary point of contact for Defendants. The Chair will also have responsibility for collecting funds from the Indirect Purchaser Plaintiffs' Counsel as needed to defray the common costs incurred in the prosecution of this litigation; requiring and collecting from Indirect Purchaser Plaintiffs' Counsel periodic reporting of their time and expenses incurred in the litigation; and maintaining and distributing a master service list of all parties and their respective counsel. The Chair shall also perform such other duties and undertake such other responsibilities as deemed necessary or desirable in connection with the prosecution of the litigation.

3. The Committee of Indirect Purchaser Plaintiffs' Counsel shall work efficiently as a group on all aspects of the litigation and shall have the following responsibilities:

a. To organize and develop a plan for conducting the litigation on behalf of all Indirect Purchaser Plaintiffs, assigning tasks among Indirect Purchaser Plaintiffs' Counsel, and to call and conduct meetings of the Committee, as needed, to effectively conduct the litigation;

b. To consult with and employ experts;

c. To coordinate the briefing and argument of motions and preparation, service and filing of opposing briefs in proceedings initiated by other parties;

d. To coordinate the initiation and conduct of discovery proceedings, including, but not limited to, the preparation of joint written interrogatories and requests for the production of documents;

1 e. To coordinate the selection of counsel to act as spokesperson(s) at any hearings or
2 pretrial conferences.

3
4
5 IT IS SO ORDERED.

6 Dated: _____, 2010

7 _____
8 The Honorable Vaughn R. Walker
9 United States District Court Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28